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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/099,902
Filing Date: March 13, 2002
Appellant(s): SALMI ET AL.

Phouphanomketh Ditthavong
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July-16-2010 appealing from the Office action mailed April-2-2010.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal, is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments

The statement of the status of the Amendment contained in the brief is correct.

(5) Summary of claimed subject matter

The summary of the claimed subject matter is contained in the brief is correct.

(6) Grounds of Rejection to be reviewed on appeal

The following ground(s) of rejection are applicable to the appealed claims:

A. Claims 22 and 42 were rejected under the first paragraph of 35 U.S.C. §112 for being based on an inadequate written description.

B. Claims 5, 7, 8, 17, 19, 21-23, 25-27, 29-43, and 45-61 were rejected for obviousness under 35 U.S.C. §103(a) based on Desai et al. (US 6,820,204) in view of Eftis et al. (US 7,171,973) and Aravamudan et al.

(US 6,301,609).

C. Claims 5, 7, 8, 17, 19, 21-23, 25-27, 29-43, and 45-61 were again rejected separately for obviousness under 35 U.S.C. § 103(a) based on Desai et al. (US 6,820,204) in view of Tornabene et al. (US 2002/0023132).

This rejection is set forth in a prior office action, mailed on April 2, 2010.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

U.S. 6,820,240 B1	Desai et al.	11-2004
U.S. Pub. No. 2002/0023132 A1	Tornabene et al	02-2002
U.S. 7,171,473 B1	Eftis et al	01-2007
U.S. 6,301,609	Aravamudan et al	10-2001

(9) Grounds of Rejection

DETAILED ACTION

Specification

1. The amendment filed 11/30/2009 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Page 7 line 6 have been amended to include "i.e., the presence information is "pushed" to the subscribing users,". Original discloser states that information is provided "on an ongoing basis" which is a much broader term. Applicant has now introduced "Push" functionality into the claims and into the disclosure and justified it by making a statement in the remarks section (page 19, first paragraph) that "information provided on an on going basis **means** that the information is pushed to the client". This is new matter which was not present in the previous discloser and has been clearly introduced as an attempt to overcome the prior art being currently applied to reject the claims. This amendment is **NOT ENTERED**.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 22 and 42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the most recent amendment to the independent claim 22 applicant on lines 12-13 has amended "requested presence information of the requested user are ~~provided on an on going basis~~ pushed to said client " . In the argument section on the first paragraph of page 19 applicant states that "information provided on an on going basis **means** that the information is pushed to the client". Applicant's disclosure fails to describe in any way whether the information is either pushed to the client or pulled by the client, therefore the push or pull functionality is not described in applicant's specification.

4. In the most recent amendment to the independent claim 42 applicant on lines 18-19 has amended "requested presence information of the requested user are ~~provided on an on going basis~~ pushed to said client " . In the argument section on the first paragraph of page 19 applicant states that the limitation "*information provided on an on going basis* **means** that the *information is pushed to the client*". Applicant's disclosure

fails to describe in any way whether the information is either pushed to the client or pulled by the client, therefore the push or pull functionality is not described in applicant's specification.

5. Dependent claims 5, 7, 8, 17, 19, 21-27, 29-41 and 43, 45-61 are also rejected by virtue of their dependence on claims 22 and 42 respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 5, 7, 8, 17, 19, 21-23, 25-27, 29-43, 45-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desai et al (U.S. 6,820,204 B1) in view of Eftis et al (U.S. 7,171,473 B1) and Aravamudan et al (U.S. 6,301,609 B1).

7. To simplify the understanding of the independent claim language examiner has interpreted the claim limitations within {...} where applicable.

8. As per claims 22 & 42 Desai disclosed a method comprising receiving a subscribe presence primitive from a client of a requesting user for subscribing presence information of a requested user {a registered user requesting the presence information (I.E any information) of another registered user} (col.3, lines 42-62) , determining if a subscription to said presence information of the requested user has been pre-authorized by the requested user {checking if the user whose presence information has been requested has authorized to release his/her presence information} (col.3, lines 63-67 & col.4,lines 1-7), if the subscription has not been pre-authorized {if not authorized}, requesting an authorization and receiving an authorize presence primitive from the requested user, and if the subscription has been authorized or pre-authorized, providing a presence primitive including presence information of the requested information to the requested user according to subscription (col.3, lines 63-67 & col.4,lines 1-7), wherein said subscription is valid for a period of time in which one or more presence primitives including requested presence information of the requested user are pushed to said client of said requesting user (col.13, lines 42-46), particularly after receiving an update presence primitive including one or more presence attribute values to be updated from said requested user (col.13,lines 39-43).

However Desai did not explicitly disclose wherein the presence primitive comprises one or more information elements including a presence information element, said presence information element comprises one or more presence attributes, the values of the

attributes indicating presence status of the requested user or a client of the requested user at the time the presence information is provided.

In the same field of endeavor Eftis disclosed wherein the presence primitive comprises one or more information elements including a presence information element, said presence information element comprises one or more presence attributes, the values of the attributes indicating presence status of the requested user or a client of the requested user at the time the presence information is provided (col.14, lines 20-57) It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated one or more presence attributes indicating the status of a user as disclosed by Eftis in the method disclosed by Desai in order to keep the track of the users on the network resulting in a robust network that portrays accurate information about the users in the network.

However neither Desai nor Eftis explicitly disclose said presence attributes are classifiable in any or more of the following: client reachability, user availability, user personal status, user or client location, and client capabilities, and wherein said values of the presence attributes have associated space and time information useable by a presence server to modify and presence attribute values or related presence attribute values in processing said primitives.

In the same field of endeavor Aravanmudan disclosed that said presence attributes are classifiable in **any one or more** of the following: client reachability, user availability, user personal status, user or client location (col.5, lines 15-31), and client capabilities, and wherein said values of the presence attributes have associated space and time information useable by a presence server to modify and presence attribute values or related presence attribute values in processing said primitives (col.6, lines 64-67 & col.7, lines 1-20).

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated classification of presence attributes as client reachability, user availability, user personal status, user or client location, and client capabilities, and wherein said values of the presence attributes have associated space and time information useable by the server to modify and presence attribute values or related presence attribute values in processing said primitives as disclosed by Aravamudan in the method disclosed by Desai and Eftis in order to provide up to date additional information regarding the status of the users resulting in a robust user friendly system.

Additionally to elaborate on the claim interpretation, the terms used in the claims such "authorize presence primitive", "update presence primitive", "get presence primitive" and " presence info primitive" are simply message commands used to conduct respective functionalities with respect to "presence primitive" (information related to the user

profile). Also in addition, it is widely common in an electronic network environment for communications to include voice/video/data to be transmitted in the form of packets, datagrams or frames etc. For example, TCP/IP is a well-known communication protocol having a header that contains source and destination addresses along with additional fields that contain unique information about the transmitted packet.

Applicant on page 2, lines 20-21 of the specification admits and states: "a data structure including a plurality of primitives, …". Also it is common for a data structure to have plurality of fields (primitives), which relate to specific information regarding the user for example, name, address, phone number, e-mail address etc (please see Desai, col.9, lines 1-18 & col.17, lines 43-67).

9. As per claim 7 Desai-Eftis and Aravamudan disclosed the method of claim 31, wherein the message primitive has various information elements including a message sending client identifier, message sending user identifier, and a message content type identifier (Desai, col.3, lines 42-67 and col.4, lines 44-61).

10. As per claims 23 & 43 Desai-Eftis and Aravamudan disclosed the method of claim 22, wherein said one or more information elements further include a message identifier, a transaction identifier, and an identification of the requested user and/or the requested user (Desai, col.4, lines 44-61).

11. As per claims 17 Desai-Eftis and Aravamudan disclosed the method of claim 63, wherein said presence values are associated with corresponding presence attributes classified and typed according to standard (Eftis, col.1, lines 45-54).

12. As per claim 19 Desai-Eftis and Aravamudan disclosed the method of claim 22, wherein said method is performed in a presence information management system having at least one server able to communicate with a plurality of devices, wherein a communication protocol is used between the at least one server and the plurality of devices (Desai, col.33, lines 7-28).

13. As per claim 21 Desai-Eftis and Aravamudan disclosed the method of claim 22, wherein said space and time information has validity attribute associated thereto (Desai, col.3, lines 35-67 & col.4, lines 1-67).

14. As per claims 25 & 45 Desai-Eftis and Aravamudan disclosed the method of claim 22, wherein said requesting authorization from a requested user is carried out by providing a request presence authorization primitive, said request presence authorization primitive comprises one or more information elements including a message identifier, an authorization request transaction identifier, a requesting user identifier and a list of presence attributes whose values are to be included in the presence primitive (Desai, col.3, lines 42-67 & col.4, lines 1-5).

15. A per claims 5, 8, 26 & 46 Desai-Eftis and Aravamudan disclosed the presence information service management method of claim 22 wherein presence information is authorized by means of authorize primitive comprises one or more information elements including a message identifier, an authorization request transaction identifier, a requesting user identifier, and a list of presence attributes whose values are to be included in the presence primitive (Desai, col.3, lines 42-67 & col.4, lines 1-5).

16. As per claims 27 & 47 Desai-Eftis and Aravamudan disclosed the method of claim 26 wherein said authorize presence primitive further comprises a group identifier if the authorization is related to a group (Eftis, col.4, lines 40-52).

17. As per claim 48 Desai-Eftis and Aravamudan disclosed the method of claim 42, wherein a buddy list user maintains one or more buddy lists on a server for sending messages to one or more recipient users separately or to every user on a buddy list through the server, wherein the recipient users are not necessarily aware of the buddy list and cannot refer to the buddy list with any replies they make, and said buddy list user maintaining one or more buddy lists on said server is able to access presence information of one or more users on the buddy list (Eftis, col.14, lines 20-57)

18. As per claims 29 & 49 Desai-Eftis and Aravamudan disclosed the method of claim 22, further comprising receiving join group primitives from member users joining a private user group, by presence primitives indicative of presence information of member

users of said private user group to each member user upon joining said private user group but not after departing, and by providing group left primitives indicative of departed member users to remaining private user group member users upon receipt of leave group primitives indicative of said departing member users (Eftis, col.14, lines 20-57)

19. As per claims 30 & 50 Desai-Eftis and Aravamudan disclosed the method of claim 29, wherein member users are joined by said step of joining only if said join group message is preceded by a step of providing an invitation to join primitive to said joining member user (Eftis, col.14, lines 20-57).

20. As per claims 31 & 51 Desai-Eftis and Aravamudan disclosed the method of claim 22, further comprising receiving a create group primitive from a member user creating a user group, said create group primitive having information elements indicative of identification of a client used by the member user creating the user group, identification of the member user creating the user group, and a list of other member users of the user group, providing a group information primitive to the other member users indicative of establishment of the user group and selected group information, and by permitting member users of the user group to interchange message primitives (Eftis, col.14, lines 20-57).

21. As per claims 32 & 52 Desai-Eftis and Aravamudan disclosed the method of claim 31, further comprising receiving a request for group information from a requesting member user of the user group, and reporting to the requesting member user with a group information primitive indicative of the selected group information (Desai, col.3, lines 42-67 & col.4, lines 1-5).

22. As per claims 33 & 53 Desai-Eftis and Aravamudan disclosed the method of claim 31, further comprising: receiving a modify group primitive from a requesting member user of the user group, and providing a group information primitive indicative of modified group information of the user group to the requesting member user (Desai, col.3, lines 42-67 & col.4, lines 1-5).

23. As per claims 34 & 54 Desa Desai-Eftis and Aravamudan disclosed the method of claim 31, further comprising receiving a request to delete group primitive from a requesting member user of the user group, and by providing a status primitive indicative of disestablishment of said user group to the member users of the user group (Desai, col.3, lines 42-67 & col.4, lines 1-5).

24. As per claims 35 & 55 Desai-Eftis and Aravamudan disclosed the method of claim 22, further comprising receiving a store content primitive from a storing user and storing any content conveyed in a content information element of said store content primitive along with or according to one or more information elements of said store

content primitive, said one or more information elements identifying a store transaction, a storing user, a storing client used by said storing user, a group, properties of said content, and a header of said content, providing a content information primitive to member users in said group, said content information primitive having information elements identifying said content information primitive, said store transaction, and said header, receiving a get content information primitive from a retrieving user in said group said content information primitive having information elements identifying said get content primitive, a retrieval transaction, the retrieving user, a retrieving client used by said retrieving user, and said group, and providing a receive content primitive to said retrieving user said content information primitive having information elements identifying said receive content primitive, said retrieval transaction, said group, said content, said header of said content, and an information element containing content for sharing among said member users of said group (Desai, col.3, lines 42-67, col.4, lines 1-5 & col.8, lines 42-67).

25. As per claims 36 & 56 Desai-Eftis and Aravamudan disclosed the method of claim 35, further comprising: receiving a delete content primitive from a deleting user having information elements identifying said delete content primitive, a delete transaction, the deleting user, a deleting client used by said deleting user, said group, and content for deletion, and deleting said content (Desai, col.24, lines 3-19).

26. As per claims 37 & 57 Desai-Eftis and Aravamudan disclosed the method of claim 22, further comprising: providing a content information primitive to a notified user, said content information primitive having information elements identifying said content information primitive, a store transaction, and a header, receiving a get content information primitive from said notified user, said content information primitive having information elements identifying said get content primitive, a retrieval transaction, and said notified user, and providing a receive content primitive to said notified client user, said content information primitive having information elements identifying said receive content primitive, said retrieval transaction, said header, and having an information element containing a content (Desai, col.3, lines 42-67 & col.4, lines 1-5)

27. As per claims 38 & 58 Desai-Eftis and Aravamudan disclosed the method of claim 22 further comprising: receiving a store shared content primitive from a storing user, said store shared content primitive comprising one or more information elements including an information element containing said shared content, and information elements identifying said store content primitive, a store transaction, the storing user and a header, storing said shared content in the response to the store shared content primitive (Desai, col.3, lines 35-67 & col.4, lines 1-67).

28. As per claims 39 & 59 Desai-Eftis and Aravamudan disclosed the method of claim 38 further comprising: receiving a delete content primitive from a deleting user, said delete content primitive comprising one or more information elements identifying

said delete content primitive, a delete transaction, the deleting user and a content for deletion, and deleting said content wherein in response to the delete content primitive (Desai, col.24, lines 3-19).

29. As per claims 40 & 60 Desai-Eftis and Aravamudan disclosed the method of claim 22, further comprising an exception management method for use in exception handling of a transaction by a user or server in responding to a request by said server or said user, respectively, said exception management method comprising: providing a status primitive in said responding to said request for indicating success or failure of said transaction as well as further information contained in information elements of said status primitive, and receiving said status primitive in said requesting server or said requesting user for recognizing said indication of success or failure (Eftis, col.14, lines 20-57).

30. As per claims 41 & 61 Desai-Eftis and Aravamudan disclosed the method of claim 40, wherein said information elements include a message identifier, a transaction identifier, and a status value indicative of said success or failure (Eftis, col.14, lines 20-57).

Claim Rejections - 35 USC § 103

31. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

32. Claims 5, 7, 8, 17, 19, 21-23, 25-27, 29-43, 45-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desai et al (U.S. 6,820,204 B1) in view of Tornabene et al (U.S. Pub. No. 2002/0023132 A1).

33. To simplify the understanding of the claim language examiner has interpreted the claim limitations within {...} where applicable.

34. As per claims 22 & 42 Desai disclosed a method comprising receiving a subscribe presence primitive from a client of a requesting user for subscribing presence information of a requested user {a registered user requesting the presence information of another registered user} (col.3, lines 42-62) , determining if a subscription to said presence information of the requested user has been pre-authorized by the requested user {checking if the user whose presence information has been requested has authorized to release his/her presence information} (col.3, lines 63-67 & col.4,lines 1-7), if the subscription has not been pre-authorized {if not authorized}, requesting an authorization and receiving an authorize presence primitive from the requested user,

and if the subscription has been authorized or pre-authorized, providing a presence primitive including presence information of the requested information to the requested user according to subscription (col.3, lines 63-67 & col.4,lines 1-7), wherein said subscription is valid for a period of time in which one or more presence primitives including requested presence information of the requested user are pushed to said client of said requesting user (col.13, lines 42-46), particularly after receiving an update presence primitive including one or more presence attribute values to be updated from said requested user (col.13,lines 39-43).

However Desai did not explicitly disclose the level of detail wherein the presence primitive comprises one or more information elements including a presence information element, said presence information element comprises one or more presence attributes, the values of the attributes indicating presence status of the requested user or a client of the requested user at the time the presence information is provided said presence attributes are classifiable in any or more of the following: client reachability, user availability, user personal status, user or client location, and client capabilities, and wherein said values of the presence attributes have associated space and time information useable by a presence server to modify said presence attribute values or related presence attribute values in processing said primitives.

In the same field of endeavor Tornabene disclosed wherein the presence primitive comprises one or more information elements including a presence information element,

said presence information element comprises one or more presence attributes, the values of the attributes indicating presence status of the requested user or a client of the requested user at the time the presence information is provided (Page 11, lines 15-23 & page 12 lines 1-3 of the Tornabene's provisional application 60/189973 filed March 17, 2000).

> Once a connection to the IM server 516 has been established, the client system 502 may use an installed IM client application to directly or indirectly transmit data to and access content from the IM server 516 and an associated domain server 518. The IM server 516 supports the fundamental instant messaging services and the domain sever 518 may support associated services, such as, for example, administrative matters, directory services, chat and interest groups. In general, the purpose of the domain server 518 is to lighten the load placed on the IM server 516 by assuming responsibility for some of the services within the IM host complex 512. By accessing the IM server 516 and/or the domain server 518, a subscriber can use the IM client application to view whether particular subscribers ("buddies") are online, exchange instant messages with particular subscribers, participate in group chat rooms, trade files such as pictures, invitations or documents, find other subscribers with similar interests, get customized news and stock quotes, and search the Web.

said presence attributes are classifiable in any or more of the following: client reachability, user availability, user personal status, user or client location (paragraph. 63), and client capabilities (paragraph.84), and wherein said values of the presence attributes have associated space and time information useable by a presence server to

modify and presence attribute values or related presence attribute values in processing said primitives (paragraph.6).

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated one or more presence attributes indicating the status of a user as disclosed by Tornabene in the method as disclosed by Desai in order to keep the track of the users on the network resulting in a robust network that portrays accurate information about the users in the network.

Additionally to elaborate on the claim interpretation, the terms used in the claims such "authorize presence primitive", "update presence primitive", "get presence primitive" and " presence info primitive" are simply message commands used to conduct respective functionalities with respect to "presence primitive" (information related to the user profile). Also in addition, it is widely common for communications (to include voice/video/data) in an electronic network environment to be transmitted in the form of packets, datagrams or frames etc. For example, TCP/IP is a well-known communication protocol having a header that contains source and destination addresses along with additional fields that contain unique information about the transmitted packet.

Applicant on page 2, lines 20-21 of the specification states: "a data structure including a plurality of primitives, …". Also it is common for a data structure to have plurality of fields (primitives), which relate to specific information regarding the user for example,

name, address, phone number, e-mail address etc (please see Desai, col.9, lines 1-18 & col.17, lines 43-67).

35. As per claim 7 Desai-Eftis and Aravamudan disclosed the method of claim 31, wherein the message primitive has various information elements including a message sending client identifier, message sending user identifier, and a message content type identifier (Desai, col.3, lines 42-67 and col.4, lines 44-61).

36. As per claims 23 & 43 Desai-Tornabene disclosed the method of claim 22, wherein said one or more information elements further include a message identifier, a transaction identifier, and an identification of the requested user and/or the requested user (Desai, col.4, lines 44-61).

37. As per claims 17 Desai-Tornabene disclosed the method of claim 63, wherein said presence values are associated with corresponding presence attributes classified and typed according to standard (Page 11, lines 15-23 & page 12 lines 1-3 of the Tornabene's provisional application 60/189973 filed March 17, 2000).

38. As per claim 19 Desai-Tornabene disclosed the method of claim 22, wherein said method is performed in a presence information management system having at least one server able to communicate with a plurality of devices, wherein a communication

protocol is used between the at least one server and the plurality of devices (Desai, col.33, lines 7-28).

39. As per claim 21 Desai-Eftis and Aravamudan disclosed the method of claim 22, wherein said space and time information has validity attribute associated thereto (Desai, col.3, lines 35-67 & col.4, lines 1-67).

40. As per claims 25 & 45 Desai-Tornabene disclosed the method of claim 22, wherein said requesting authorization from a requested user is carried out by providing a request presence authorization primitive, said request presence authorization primitive comprises one or more information elements including a message identifier, an authorization request transaction identifier, a requesting user identifier and a list of presence attributes whose values are to be included in the presence primitive (Desai, col.3, lines 42-67 & col.4, lines 1-5).

41. A per claims 5, 8, 26 & 46 Desai-Tornabene disclosed the presence information service management method of claim 22 wherein presence information is authorized by means of authorize primitive comprises one or more information elements including a message identifier, an authorization request transaction identifier, a requesting user identifier, and a list of presence attributes whose values are to be included in the presence primitive (Desai, col.3, lines 42-67 & col.4, lines 1-5).

42. As per claims 27 & 47 Desai-Tornabene disclosed the method of claim 26 wherein said authorize presence primitive further comprises a group identifier if the authorization is related to a group (Page 11, lines 15-23 & page 12 lines 1-3 of the Tornabene's provisional application 60/189973 filed March 17, 2000).

43. As per claim 48 Desai-Tornabene disclosed the method of claim 42, wherein a buddy list user maintains one or more buddy lists on a server for sending messages to one or more recipient users separately or to every user on a buddy list through the server, wherein the recipient users are not necessarily aware of the buddy list and cannot refer to the buddy list with any replies they make, and said buddy list user maintaining one or more buddy lists on said server is able to access presence information of one or more users on the buddy list (Tornabene, paragraphs.84 & 86)

44. As per claims 29 & 49 Desai-Tornabene disclosed the method of claim 22, further comprising receiving join group primitives from member users joining a private user group, by presence primitives indicative of presence information of member users of said private user group to each member user upon joining said private user group but not after departing, and by providing group left primitives indicative of departed member users to remaining private user group member users upon receipt of leave group primitives indicative of said departing member users (Tornabene, paragraphs.76 & 85)

45. As per claims 30 & 50 Desai-Tornabene disclosed the method of claim 29, wherein member users are joined by said step of joining only if said join group message is preceded by a step of providing an invitation to join primitive to said joining member user (Tornabene, paragraphs.76 & 85).

46. As per claims 31 & 51 Desai-Tornabene disclosed the method of claim 22, further comprising receiving a create group primitive from a member user creating a user group, said create group primitive having information elements indicative of identification of a client used by the member user creating the user group, identification of the member user creating the user group, and a list of other member users of the user group, providing a group information primitive to the other member users indicative of establishment of the user group and selected group information, and by permitting member users of the user group to interchange message primitives (Tornabene, paragraphs.58, 76 & 85).

47. As per claims 32 & 52 Desai-Tornabene disclosed the method of claim 31, further comprising receiving a request for group information from a requesting member user of the user group, and reporting to the requesting member user with a group information primitive indicative of the selected group information (Desai, col.3, lines 42-67 & col.4, lines 1-5).

48. As per claims 33 & 53 Desai-Tornabene disclosed the method of claim 31, further comprising: receiving a modify group primitive from a requesting member user of the user group, and providing a group information primitive indicative of modified group information of the user group to the requesting member user (Desai, col.3, lines 42-67 & col.4, lines 1-5).

49. As per claims 34 & 54 Desai-Tornabene disclosed the method of claim 31, further comprising receiving a request to delete group primitive from a requesting member user of the user group, and by providing a status primitive indicative of disestablishment of said user group to the member users of the user group (Desai, col.3, lines 42-67 & col.4, lines 1-5).

50. As per claims 35 & 55 Desai-Tornabene disclosed the method of claim 22, further comprising receiving a store content primitive from a storing user and storing any content conveyed in a content information element of said store content primitive along with or according to one or more information elements of said store content primitive, said one or more information elements identifying a store transaction, a storing user, a storing client used by said storing user, a group, properties of said content, and a header of said content, providing a content information primitive to member users in said group, said content information primitive having information elements identifying said content information primitive, said store transaction, and said header, receiving a get content information primitive from a retrieving user in said group said content

information primitive having information elements identifying said get content primitive, a retrieval transaction, the retrieving user, a retrieving client used by said retrieving user, and said group, and providing a receive content primitive to said retrieving user said content information primitive having information elements identifying said receive content primitive, said retrieval transaction, said group, said content, said header of said content, and an information element containing content for sharing among said member users of said group (Desai, col.3, lines 42-67, col.4, lines 1-5 & col.8, lines 42-67)

51. As per claims 36 & 56 Desai-Tornabene disclosed the method of claim 35, further comprising: receiving a delete content primitive from a deleting user having information elements identifying said delete content primitive, a delete transaction, the deleting user, a deleting client used by said deleting user, said group, and content for deletion, and deleting said content (Desai, col.24, lines 3-19).

52. As per claims 37 & 57 Desai-Tornabene disclosed the method of claim 22, further comprising: providing a content information primitive to a notified user, said content information primitive having information elements identifying said content information primitive, a store transaction, and a header, receiving a get content information primitive from said notified user, said content information primitive having information elements identifying said get content primitive, a retrieval transaction, and said notified user, and providing a receive content primitive to said notified client user, said content information primitive having information elements identifying said receive

content primitive, said retrieval transaction, said header, and having an information element containing a content (Desai, col.3, lines 42-67 & col.4, lines 1-5)

53. As per claims 38 & 58 Desai-Tornabene disclosed the method of claim 22 further comprising: receiving a store shared content primitive from a storing user, said store shared content primitive comprising one or more information elements including an information element containing said shared content, and information elements identifying said store content primitive, a store transaction, the storing user and a header, storing said shared content in the response to the store shared content primitive (Desai, col.3, lines 35-67 & col.4, lines 1-67).

54. As per claims 39 & 59 Desai-Tornabene disclosed the method of claim 38 further comprising: receiving a delete content primitive from a deleting user, said delete content primitive comprising one or more information elements identifying said delete content primitive, a delete transaction, the deleting user and a content for deletion, and deleting said content wherein in response to the delete content primitive (Desai, col.24, lines 3-19).

55. As per claims 40 & 60 Desai-Tornabene disclosed the method of claim 22, further comprising an exception management method for use in exception handling of a transaction by a user or server in responding to a request by said server or said user, respectively, said exception management method comprising: providing a status

primitive in said responding to said request for indicating success or failure of said transaction as well as further information contained in information elements of said status primitive, and receiving said status primitive in said requesting server or said requesting user for recognizing said indication of success or failure (Tornabene, 76 and Page 11, lines 15-23 & page 12 lines 1-3 of the Tornabene's provisional application 60/189973 filed March 17, 2000).

56. As per claims 41 & 61 Desai-Tornabene disclosed the method of claim 40, wherein said information elements include a message identifier, a transaction identifier, and a status value indicative of said success or failure (Tornabene, paragraph. 76 and Page 11, lines 15-23 & page 12 lines 1-3 of the Tornabene's provisional application 60/189973 filed March 17, 2000).

(10) Response to Arguments

On page 6 with respect to independent claims 22 and 42 appellant made the following argument.

A. Claims 22 and 42 are not based on an inadequate written description because there is adequate support for "required presence information of the requested user are pushed to said client".

Issue 1: Appellant on the second last paragraph of page 7 with respect to the above argument points to his disclosure at lines 28-31 of page 31 and Figure 4A states Autonomously means done without further request, I.E automatically, or pushed.

As to above argument examiner agrees with applicant's definition of "Autonomously", but disagree with the idea that it also means being "PUSHED" because the **applicant is trying to give a specialized meaning to a generalized term**. For this reason examiner denied entering such change in the specification as introducing new matter.

Issue 2: Appellant on the second paragraph of page 8 argued that examiner has failed to present resalable rationale for questioning the adequacy of the written description.

As to the above argument, as a result of the amendment with respect to "PUSH" functionality in the claims and specification examiner has cited 112 first rejection and

denied entry of the newly amended specification in the last office action. Additionally, examiner notes that it is inappropriate to make up a specialized meaning (i.e.," the information is pushed to the client") of a generalized functionally (i.e. "information provided on an on going basis to the client) and at the same introduce that specialized meaning into the claims and disclosure merely to overcome the prior art. Applicant's originally filed disclosure gives the impression that once the information is requested by the user then it is provided to the user by the information system and the claim language is silent with respect to whether the requested information is "pulled" or "pushed". Therefore applicant's attempt to change from this position and asserting that information is "pushed" is deviation from the original disclosure.

B. Claims 5, 7, 8, 17, 19, 21-23, 25-27, 29-43 and 45-61 are not rendered obvious by Desai et al , Eftis et al, and Arvanmudan et al because none of the applied references disclose or suggest the presence primitives being pushed to the client of the requesting user.

Issue 1: Appellant on the first and second paragraphs of page 9 argued that **none of the prior arts** in the limitation "wherein said subscription is valid for a period of time in which one or more presence primitives including requested presence information of the requested user are pushed to said client of said requesting user" explicitly disclose that

"one or more presence primitives including requested presence information of the requested user are **pushed** to said client of said requesting user."

As to appellant's argument examiner would first provide a brief and simple description of the above questioned limitation as to how it was interpreted.

*"one **or** more presence primitives including requested presence information of the requested user are **pushed** to said client of said requesting user."*

In the above limitation "**presence primitives**" (Page.2 lines21-30 of applicant's disclosure) is the data structure indicative of the presence information of one user/client which is made available to another user/client.

"**Presence information**" (Page 27 of applicant's disclosure) is any information related to status of a user/client.

Examiner now points to one of the prior arts Eftis that clearly shows online presence information of a member A.K.A the status information of one user/cleint being captured by the Session Manager Server which then provides or **pushes** that information to another user/client.

Eftis on col.14, lines 20-55 and Figure 12states:

FIG. **12** shows how a communications web page **50** is updated when a user logs on, logs off, joins a group or leaves a group. The updates are processed and displayed immediately, giving users of the communications system of the present invention a real-time indication of the online presence of the members of the active group displayed on their communications web pages **50**. First, as described above with respect to FIGS. **5–8**, the UserTable and GroupTable are updated as a result of a user logging in, logging out, joining a group or leaving a group. Next, the PP system creates an update list of the online member(s) to be notified sorted by session manager server **12** (i.e., host box). To avoid sending unnecessary update information, the PP system checks the Active Group for each member to make sure that the update applies to this group. For example, looking at FIG. **11**, if user**2** came online and user**1**'s Active Group is the Address Book (as shown in FIG. **11**), the update should go to user**1**. If, however, user**1**'s displayed Active Group was different and if that Active Group did not include user**2**, then user**1** should not receive an update that user**2** came online.

Once the update list for each session manager server **12** is created, the lists are sent to the appropriate session manager server **12**. Each session manager server **12** receives the update lists for the member(s) it is hosting and places update messages in an update queue for each member that is stored in the chat server **30**. The chat server **30** then sends an HTTP encoded update message to the applet **38** or CCHAT application **44** of each member that has an update message stored in its update queue. If the update list was created from a user joining or leaving a group, a refresh update message is sent to the applets **38** or CCHAT applications **44** instead of an update message. For example, looking again at FIG. **11**, if user**2** comes online and user**4** goes offline, the update list sent to the session manager server **12** hosting user**1** would include an update message for user**1** that user**2** came online and user**4** went offline. An update message would then be sent to the applet **38** or CCHAT application **44** of the client device **18** for user**1**.

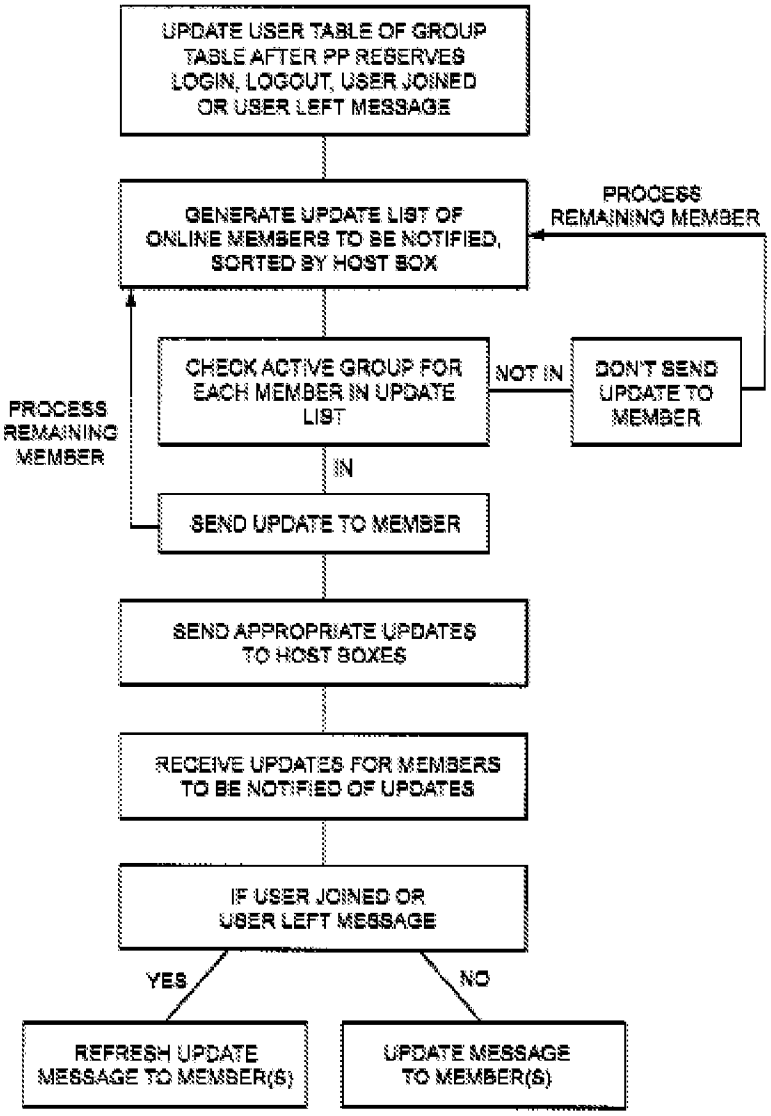

FIG. 12

Hence Eftis clearly discloses *"one **or** more presence primitives including requested presence information of the requested user are **pushed** to said client of said requesting user."*

Issue 2: Appellant on the third paragraph of page 9 first argued that in Desai the information is pulled not pushed and secondly again stated that Desai failed to disclose the limitation *"one **or** more presence primitives including requested presence information of the requested user are **pushed** to said client of said requesting user."*

Examiner first disagrees with appellant's "Push" analogy and has explained the reasons in Section A of the arguments section above. Examiner will now show how Desai discloses the argued limitation and will also points out that in Desai the information is **pushed** to the requesting clients as the applicant is arguing.

Desai discloses registered users that interact with each other via applications such as Chat (col.3, lines 42-62).

> In accordance with a preferred embodiment of the present invention, an information exchange system includes a storage system adapted to store profile data for a plurality of users. The information exchange system is connected to one or more registered users through a communications network, such as the Internet, to allow each respective registered user to access, edit and manage the registered user's profile data through a network device. The network device may be any device that is adapted to communicate with the information exchange system through the network, such as a personal computer running a standard Internet web browser application, a personal digital assistant ("PDA"), a wireless application protocol telephone ("WAP phone"), a pager or a network appliance. The information exchange system includes a plurality of online applications that are accessible to the registered user and generate or make use of profile data having attributes that are proprietary to the registered user. In the preferred embodiment, the applications available to the registered user include personal e-mail, chat rooms, personal calendars, contact management and document management applications.

Desai discloses that vendors/third parties (second user/client or entity) can also view user/client profile information via information exchange system which **pushes** that information to the vendors in accordance with permissions granted by the user (col3, lines 63-67 and col.4, lines 1-24).

> The registered user's attributes may be stored in pre-defined data fields created by the information exchange system and its applications, or in user-defined data fields created by each respective registered user. One or more of these attributes (both pre-defined and user-defined) may be logically grouped into views that also may be either pre-defined or user-defined. The registered user may selectively grant access to each view to one or more third parties, such as friends or family members. Preferably the registered user's profile data is kept private by the information exchange system until the registered user provides access to a view of the stored data.
>
> In addition to profile data generated through applications such as e-mail and personal calendar, the information exchange system may be used to track the registered user's use of the network, including places visited, pages read, items purchased online, etc. This data, along with the other profile data, is valuable to both the registered user and vendors who may wish to direct advertisements or product offers to the registered user. In a preferred embodiment of the present invention, the vendors will not receive this information unless and until the registered user provides access to the vendor. Further, the registered user may selectively "push" certain subsets of profile data to one or more vendors, or to a centralized recommendation engine. Each vendor may use the pushed profile information to direct advertisements, product offers and other information to the registered user, as well as to automatically fill in data entry forms with relevant profile information. If the profile

Finally Desai discloses capturing active session information of the users as to who is logged on (col.18, lines 53-62).

With reference to FIG. 17, a spoke diagram is presented illustrating a preferred database schema of the user information and authorization tables. It would be apparent to one of ordinary skill that other schemas could be used. Each of the fields in the database are keyed on a field having a prefix "SDN." The tables within this database schema are comprised of the following:

ACTIVE SESSIONS: contains user authorizations, keeps track of who is logged into a web site, and maintains global variables;

Hence in light of the above excepts it is clear that Desai discloses *"one **or** more presence primitives including requested presence information of the requested user are **pushed** to said client of said requesting user."*

C. Claims 5, 7, 8, 17, 19, 21-23, 25-27, 29-43 and 45-61 are not rendered obvious by Desai et al and Tonabene et al because neither of the applied references disclose or suggest the presence primitives being pushed to the client of the requesting user and additionally Torabene et al, does not constitutes viable prior art.

Issue 1: Appellant on the last paragraph of page 10 argued that Desai fails to disclose *"one **or** more presence primitives including requested presence information of the requested user are **pushed** to said client of said requesting user."* and Tornabene failed to cure the deficiency.

As to appellant's argument examiner will show that Desai discloses the argued limitation and will also points out that the information is **pushed** to the requesting clients as the applicant is arguing.

Desai discloses registered users that interact with each other via applications such as Chat (col.3, lines 42-62).

> In accordance with a preferred embodiment of the present invention, an information exchange system includes a storage system adapted to store profile data for a plurality of users. The information exchange system is connected to one or more registered users through a communications network, such as the Internet, to allow each respective registered user to access, edit and manage the registered user's profile data through a network device. The network device may be any device that is adapted to communicate with the information exchange system through the network, such as a personal computer running a standard Internet web browser application, a personal digital assistant ("PDA"), a wireless application protocol telephone ("WAP phone"), a pager or a network appliance. The information exchange system includes a plurality of online applications that are accessible to the registered user and generate or make use of profile data having attributes that are proprietary to the registered user. In the preferred embodiment, the applications available to the registered user include personal e-mail, chat rooms, personal calendars, contact management and document management applications.

Desai discloses that vendors (second user) can also view user/client profile information via information exchange system which **pushes** that information to the vendors in accordance with permissions granted by the user (col3, lines 63-67 and col.4, lines 1-24).

> The registered user's attributes may be stored in pre-defined data fields created by the information exchange system and its applications, or in user-defined data fields created by each respective registered user. One or more of these attributes (both pre-defined and user-defined) may be

logically grouped into views that also may be either pre-defined or user-defined. The registered user may selectively grant access to each view to one or more third parties, such as friends or family members. Preferably the registered user's profile data is kept private by the information exchange system until the registered user provides access to a view of the stored data.

In addition to profile data generated through applications such as e-mail and personal calendar, the information exchange system may be used to track the registered user's use of the network, including places visited, pages read, items purchased online, etc. This data, along with the other profile data, is valuable to both the registered user and vendors who may wish to direct advertisements or product offers to the registered user. In a preferred embodiment of the present invention, the vendors will not receive this information unless and until the registered user provides access to the vendor. Further, the registered user may selectively "push" certain subsets of profile data to one or more vendors, or to a centralized recommendation engine. Each vendor may use the pushed profile information to direct advertisements, product offers and other information to the registered user, as well as to automatically fill in data entry forms with relevant profile information. If the profile

Finally Desai discloses capturing active session information of the users as to who is logged on (col.18, lines 53-62).

With reference to FIG. 17, a spoke diagram is presented illustrating a preferred database schema of the user information and authorization tables. It would be apparent to one of ordinary skill that other schemas could be used. Each of the fields in the database are keyed on a field having a prefix "SDN." The tables within this database schema are comprised of the following:

ACTIVE SESSIONS: contains user authorizations, keeps track of who is logged into a web site, and maintains global variables;

Hence in light of the above excepts it is clear that Desai discloses *"one **or** more presence primitives including requested presence information of the requested user are **pushed** to said client of said requesting user."*

Issue 2: Appellant on the second paragraph of page 11 alleged that Tornabene is not a viable reference because the publication date of the February 21 2002 is after the effective filing date of the instant application, viz March 14 2001. Additionally appellant argued that the rejection relied upon paragraph 84 of Tornabene which is not adequately disclosed in its provisional application.

As to appellant's argument examiner in final office action dated April-2-2010 has cited excerpts from Tornabene's provisional application 60/189973 filed March 17, 2000 which is a valid prior art. Turnebene sufficiently discloses the online/offline status with respect the limitation as claimed on the last paragraph of page 11 and page 21 titled FEATURES of Tornabene's provisional application 60/189973 filed March 17, 2000). Examiner has cited both paragraph. 84 of Tonabene and the content of pages 11, 12, 19 and 21 of Tornabene's provisional application 60/189973 filed March 17, 2000 that shows the subsequent support.

Tonabene et el. (U.S. Pub. No. 2002/0023132 A1).

> [0084] The automatically updated services provided to current members of the group by the host **704** include, but are not limited to, providing a private group website, a list of current group members, a shared buddy list, a shared address book, shared member profiles, a shared calendar, a shared map, a shared message board, a private on-line forum for current group members to chat with one another, a shared list of favorite sites, a shared photo gallery, and/or any other type of shared data files. New automatically updated services based upon the current group members may be offered. For example, enhanced services based on the equipment capabilities of the group members may be offered when at least some group members upgrade hardware and/or software.

Tornabene's provisional application 60/189973.

Page. 11.

Once a connection to the IM server 516 has been established, the client system 502 may use an installed IM client application to directly or indirectly transmit data to and access content from the IM server 516 and an associated domain server 518. The IM server 516 supports the fundamental instant messaging services and the domain sever 518 may support associated services, such as, for example, administrative matters, directory services, chat and interest groups. In general, the purpose of the domain server 518 is to lighten the load placed on the IM server 516 by assuming responsibility for some of the services within the IM host complex 512. By accessing the IM server 516 and/or the domain server 518, a subscriber can use the IM client application to view whether particular subscribers ("buddies") are online,

Page.12.

exchange instant messages with particular subscribers, participate in group chat rooms, trade files such as pictures, invitations or documents, find other subscribers with similar interests, get customized news and stock quotes, and search the Web.

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AMERICA Online

Features

Key Features

- Invite a buddy to a shared Group from buddy list
- Join process from link in e-mail via Web interface
- Delete a buddy from a shared Group
- Delete a shared Group
- Go to Group page (right-click menu action)
- Share a Group page (right-click menu action)
- Buddy list automatically updates for all shared Group members when Group gets created or deleted, or if someone joins, gets deleted, or removes themselves.

Under consideration

- Invite a buddy to a shared Group from Buddy list via buddy list pop-ups
- Join process via buddy list pop ups

Page.19.

Target Customer Profile

Family Profile

Group Founder:	Jen, 35 years old, accountant, married, 1 newborn baby	San Jose, CA
Group Members:	Jen's husband: Daniel, 38 years old, mechanical engineer	San Jose, CA
	Jen's sister: Carrie, 32 years old, teacher, divorced	San Francisco, CA
	Jen's Mom: Barbara, 60 years old, retired	Tampa, FL
	Barbara's sister: Teresa, 65 years old, retired	Jacksonville, FL
	Teresa's husband: Bob, 70 years old, retired	Jacksonville, FL

Private Communication

Private Communication

Jen: Through instant messaging, I can privately communicate with my entire family.

- I live too far from my Mom in order to help her set up her buddy list with all the family members.
- Now I can set up a shared group in my buddy list and invite everyone in my family to join.

Barbara:

- When I heard "You've Got Mail", I checked to see my mail. I had received an invitation from my daughter Jen to join the Wagner-Turner Family Group so that we could keep in touch.
- I clicked on the link in the invitation and agreed that I wanted to join the Group on the page that came up.
- I received an instant message from Jen later in the day to check my buddy list and see if I could see the Group and her name. The Group and some other family members had appeared in my buddy list!
- Now I can check every day and see whether anyone in my family is online! And if they are, I can chat with them and let them know how nice the weather is in Tampa!

Tornabene's provisional application 60/189973 filed March 17, 2000 at least on excerpts of pages 11, 12 , 19 and 21 discloses client capabilities such as being to see who is

available online to communicate with others, trade files such as picture, invitations or documents etc. Therefore Tornabene's provisional application 60/189973 filed March 17, 2000 as adequate support for content disclosed in paragraph 84 of Tonabene et el. (U.S. Pub. No. 2002/0023132 A1).

Finally, examiner believes that the rejections based on prior art references are proper, sustainable and clearly anticipate applicant's invention as claimed and should be sustained.

(11) Related proceedings appendix

None.

Respectfully submitted,

/Asghar Bilgrami/

Examiner, Art Unit 2243

October 4, 2010

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